

REMARKS

Favorable reconsideration of this application is respectfully requested in light of the following remarks, wherein Claims 1-11 have been withdrawn and Claims 12, 15 and 19-21 have been amended. Currently, Claims 12-21 are pending in the present application.

As an initial matter, the drawings stand objected to for failing to show the feature of a "loading table". As a result, Claim 19 has been amended to remove the phrase "loading table". Accordingly, withdrawal of the drawing objection is respectfully requested.

Claims 19 and 20 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. With regard to claim 19, the phrase "automatically guide a loading table to the emptying area" has been removed. With regard to claim 20, Applicants are unclear as to why the examiner believes this feature is not enabled. To the contrary, Applicants believe that the features of claim 20 would be understood and enabled to one having ordinary skill in the art. Accordingly, withdrawal of the rejections under 35 U.S.C. §112, first paragraph, is respectfully requested.

Claims 12-21 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to the Examiner's position that the "dumper" need be positively recited, Applicants respectfully disagree. The Examiner has failed to provide any support for this position. With regard to the position that the particular "load parameter" need be further defined in Claims 17 and 18, Applicants respectfully disagree. Again, the Examiner has failed to provide any support for his position that the particular load parameter need be specified in the claim. With regard to the remaining rejections, Applicants have amended the claims to overcome these rejections. Accordingly, withdrawal of the rejections under 35 U.S.C. §112, second paragraph, is respectfully requested.

Claims 12-15 and 17-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,442,456 to *Burns et al.* in view of U.S. Patent No. 6,363,632 to *Stentz et al.* Claims 12 and 15-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Burns et al.* in view of U.S. Patent No. 6,157,889 to *Baker*. Claims 12 and 15-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Baker* in view of *Burns et al.* Claims 12-15 and 17-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Stentz et al.* in view of *Burns et al.*

With regard to *Burns et al.*, the Examiner alleges that this reference discloses a control system for automatically guiding autonomous movements of a dumper truck and a loading vehicle. The Examiner further states that *Burns et al.* discloses that a controller maneuvers the dumper truck and the loading vehicle to a position that enables the loading of the dumper truck by the loading vehicle. However, this is simply not the case. To the contrary, loading is not discussed in the *Burns et al.* reference, nor is a controller which would maneuver the dumper in relation to loading. The Examiner has failed to establish where such features are described in *Burns et al.*

The Examiner seeks to rely upon *Stentz et al.* for disclosing the features not shown in *Burns et al.* In particular, the Examiner claims that *Stentz et al.* discloses an automatic system for loading material autonomously from a loading vehicle to a dumper truck. However, *Stentz et al.* does not disclose a control system for automatically guiding movements of a dumper truck and a loading vehicle. Moreover, *Stentz et al.* also fails to disclose a controller that maneuvers the dumper truck and the loading vehicle to a position that enables the loading of a dumper truck by the loading vehicle. To the contrary, *Stentz et al.* discloses measurement devices of the loading vehicle which measure the position of the dumper truck without any information or definition of the loading. Accordingly, neither

Burns et al. nor *Stentz et al.*, in combination or alone, disclose the patentable features of independent Claim 12.

The Examiner also rejects Claim 12 over the combination of *Burns et al.* with *Baker*. However, as discussed in the prior response, *Baker* discloses a load distribution system for haulage trucks. Weight sensors are coupled to the bed of the truck 20 to measure the center of gravity. Based upon this information, the loader is automatically moved in various positions to effect even loading. However, the dumper remains stationary during the process.

In contrast, the present invention recites a controller for guiding the dump truck at least during loading. In addition, the present invention recites that the controller automatically moves both the loader and the dumper, not just the loader as described in *Baker*. Accordingly, neither *Baker* nor *Burns et al.*, in combination or alone, disclose the patentable features of independent Claim 12.

For at least the foregoing reasons, it is submitted that the apparatus of Claim 12, and the claims depending therefrom, are patentably distinguishable over the applied documents. Accordingly, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any remaining issues pertaining to this application, it is respectfully requested that the undersigned be contacted at the number indicated below.

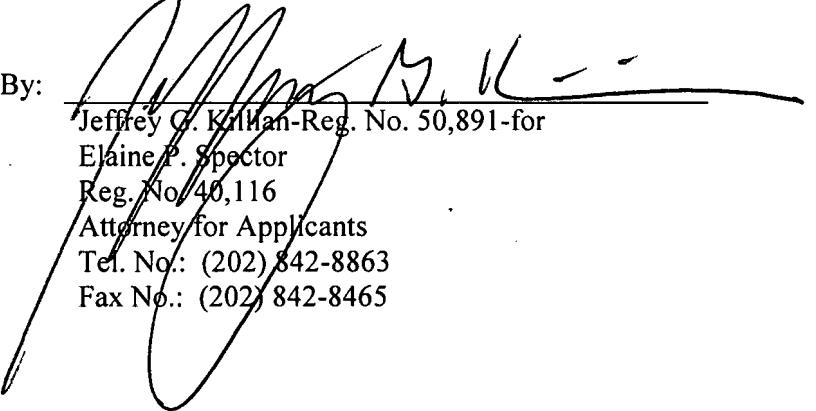
EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit

Account 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR
EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,

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